

REMARKS

This is in response to the Office Action mailed on January 4, 2005, and the references cited therewith.

Claims 2-17 and 19-23 are amended and claims 1, 24 and 27 are canceled; as a result, claims 2-23 and 25-26 are now pending in this application.

Objections to the Claims

Claims 1, 3, 8, 13 and 20-23 were objected to due to informalities. Claims 3, 8, 13 and 20-23 have been amended to correct the informalities.

§102 Rejection of the Claims

Claims 1, 3-4, 9, 12-14, 16-19 and 23 were rejected under 35 USC § 102(b) as being anticipated by Dunn et al. (U.S. 5,721,829), hereafter “Dunn ‘829 Patent”.

Claim 1 has been cancelled.

Claim 24 was rejected under 35 USC § 102(b) as being anticipated by Menand et al. (5,539,920).

Claim 24 has been cancelled.

§103 Rejection of the Claims

Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Dunn ‘829 Patent in view of Dunn et al. (U.S. 5,648,824), hereafter “Dunn ‘824 Patent”.

Claim 2 has been amended to depend from claim 5.

Allowable Subject Matter

Claims 25-26 is allowed.

Claims 5-8, 10-11, 15 and 20-22 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.11(j)

Serial Number: 09/333,724

Filing Date: June 15, 1999

Title: AUTOMATIC CONTROL, OF BROADCAST AND EXECUTION OF INTERACTIVE APPLICATIONS TO MAINTAIN SYNCHRONOUS OPERATION WITH BROADCAST PROGRAMS

Page 13
Dkt: 2050.007US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 208-331-4537 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BRYAN C. GEBHARDT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
208-331-4537

Date 4/4/05

By Russell D. Slifer

Russell D. Slifer
Reg. No. 39,838

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of April, 2005.

Name

Amy Moriarty

Signature

Amy